

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MAJOR MIKE WEBB)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:23-cv-25 (RDA/JFA)
)	
YOUTUBE INC.,)	
)	
Defendant.)	

ORDER

This matter comes before the Court upon the Report and Recommendation issued by Magistrate Judge John F. Anderson on January 18, 2023. Dkt. 3. In this case, Magistrate Judge Anderson recommends that the Court deny Plaintiff's Motion to Proceed *in forma pauperis* ("IFP"). Dkt. 3. Pursuant to Federal Rule of Civil Procedure 72, the deadline for submitting objections to Judge Anderson's Recommendation was February 1, 2023.

Plaintiff, proceeding *pro se* filed an objection to the Magistrate Judge's Recommendation that his application to proceed *in forma pauperis* be denied on January 23, 2023. Dkt. 4. The gravamen of Plaintiff's objection is that Magistrate Judge Anderson erred in denying the motion to proceed *in forma pauperis* because he did not consider his monthly income in addition to his monthly expenses. *Id.* at 1. Plaintiff also argues that it is a violation of his due process rights to rely on the fact that Plaintiff's prior applications to proceed *in forma pauperis* have been denied on a similar basis. *Id.* at 1-3.

After conducting a *de novo* review of the record in this matter, the applicable law, the Complaint, the Motion for Leave to Proceed In Forma Pauperis, and Plaintiff's Objection to the Report and Recommendation, the Court adopts and incorporates the Magistrate Judge's findings

and agrees with the Magistrate Judge's conclusion that Plaintiff's application in this case is nearly identical to that filed in *Webb v. City of Falls Church, et al.*, Case No. 1:22-cv-00668, where Plaintiff was found ineligible to proceed IFP with a monthly income of \$6,584.46, and thus the same result should occur here.

Accordingly, it is hereby ORDERED that the Report and Recommendation (Dkt. 3) is ADOPTED; and it is

FURTHER ORDERED that Plaintiff's Motion for Leave to Proceed in Forma Pauperis (Dkt. 2) is DENIED; and it is


FURTHER ORDERED that the Complaint (Dkt. 1) is DISMISSED WITHOUT PREJUDICE with leave to submit to this Court the required filing fee within thirty days of the date of this Order. Should Plaintiff submit the full filing fee within thirty days, the Clerk shall reopen the case.

To appeal this decision, Plaintiff must file a written notice of appeal with the Clerk of this Court within 30 days of the date of entry of this Order. A notice of appeal is a short statement indicating a desire to appeal, including the date of the order Plaintiff wants to appeal. Plaintiff need not explain the grounds for appeal until so directed by the court of appeals. Failure to file a timely notice of appeal waives Plaintiff's right to appeal this decision.

The Clerk is directed to forward a copy of this Order to Plaintiff, *pro se*, and to close this civil action.

It is SO ORDERED.

Alexandria, Virginia
January 26, 2024

/s/ 

Rossie D. Alston, Jr.
United States District Judge